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10 DAN OCHSENSCHLAGER

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

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14 DAN OCHSENSCHLAGER, Case No.
15 Plaintiff, COMPLAINT
16 v.

17 CONSOLIDATED MUNICIPALITY
18 OF CARSON CITY,
19 Defendants.

20 _____/
21 Plaintiff DAN OCHSENSCHLAGER, through counsel, Day R. Williams, Attorney at
22 Law, complains and alleges as follows:

23 1. Plaintiff sues under the Fair Labor Standards Act (FLSA) for back pay as a
24 canine handler for the Carson City Sheriff.

25 2. Plaintiff resides in Carson City, Nevada.

26 3. The Consolidated Municipality of Carson City is a political subdivision of the
27 State of Nevada. This action arises under federal statutes, the FLSA. The wrongful acts took
28 place in northern Nevada.

1. This Court has jurisdiction under 28 U.S.C. § 1331, which provides as follows:
"The district courts shall have original jurisdiction of all civil actions arising under the
Constitution, laws, or treaties of the United States."

1 5. Venue is proper under 28 U.S.C. § 1391 in that the parties reside or do business
2 in the Northern District of Nevada, and the action arises in the Northern District of Nevada.

3 6. Plaintiff demands a trial by jury on all issues so triable.

4 7. Plaintiff worked as a deputy for the Carson City Sheriff's Office (CCSO) from
5 July 13, 2001 to November 2014.

6 8. Plaintiff was a canine handler for CCSO for 6 ½ years. The dog retired on
7 December 28, 2013.

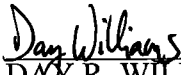
8 9. The City knew that the Department should pay for canine time, as shown by the
9 federal case of *Leever v. Carson City*, CCSO's Policy Manual for the canine program, the
10 collective bargaining agreement, and seminars conducted by Terry Fleck. The City's violations
11 of the FLSA were willful.

12 10. Plaintiff was not compensated for canine handling. He should have received 1.0
13 hour off per work day to care and maintain and train the dog. Plaintiff worked four 10-hours
14 shifts per week. Since he did not receive 1.0 hour off per day to care and maintain and train the
15 dog, he had to care and maintain and train the dog after duty, so he should receive back pay at
16 4.0 hours per week at time and one-half for the period he handled the canine.

17 11. The FLSA requires employers to pay overtime wages equal to one and one-half
18 times the employee's regular rate for work performed in excess of 40 hours per week. 29 U.S.C.
19 § 207(a). The City violated the FLSA.

20 12. Plaintiff has suffered damages and should be compensated for 82 (eighty-two)
21 weeks of back pay. He should also receive his fees, costs, pre-judgment interest and such other
22 relief as the Court deems reasonable and necessary.

23 DATED this 5th day of March, 2015.

24 
25 DAY R. WILLIAMS
26 Attorney at Law
27 Attorney for Plaintiff
28 DAN OCHSENSCHLAGER

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3
4 **VERIFICATION OF DAN OCHSENSCHLAGER**

5 STATE OF NEVADA)
6) :ss
CARSON CITY)

7 I, DAN OCHSENSCHLAGER, declare under penalty of perjury that:

8 I am the Plaintiff herein. The facts stated in the pleading are true and accurate. As to
9 those facts stated on information and belief, I believe them to be true.
10

11 
DAN OCHSENSCHLAGER

12 Subscribed and sworn to before me

13 this 5th day of March, 2015

14 by DAN OCHSENSCHLAGER.

15 
16 NOTARY PUBLIC

